

### REMARKS

This application has been reviewed in light of the Office Action dated August 2, 2007. Claims 1-54 and 56-58 are presented for examination, of which Claims 1 and 28 are in independent form. Claims 1, 11, 13-15, 21 and 27-38 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Applicants thank the Examiner and his supervisor for conducting a telephone interview with one of Applicants' attorneys on June 26, 2008. During that discussion, Applicants discussed the claim language shown above in Claim 1, and presented the arguments given below as to why that language distinguished over the art of record.

In the outstanding Office Action, Claims 1-54 and 56-58 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,123,816 B2 (McGrath et al.).

Independent Claim 1 is directed to an apparatus for storing main information (for example, an image or video) and a supplementary information item that accompanies the main information. The apparatus of Claim 1 comprises a determination unit, configured to determine in advance, for each supplementary information item having a plurality of description forms, priority for each of the plurality of description forms. A selection unit selects a description form to be used in recording in accordance with the priority from description forms usable in the apparatus, and a recording unit records the supplementary information item by the selected description form in correspondence with the main information.

Claim 1 now recites, still more clearly, that each supplementary information item conveys information about a respective parameter, and that the is able to record the supplementary information item in any of at least two description forms, the at least two description forms conveying information about the same parameter. While, as Applicants' attorneys noted during the interview, this is what Applicants intended to claim previously, and believed that they were claiming, the present language is thought to state more clearly what Applicants regard as their invention.

The Office Action cites *McGrath* as teaching "a plurality of description forms", as referred to in Claim 1, at col. 7, line 61, to col. 8, line 9. The "plurality of description forms" referred to in Applicants' claims correspond to a plurality of descriptions describing the same one type of device status, but in a plurality of different ways. For example, as shown in Tables 1-3 at pages 15 and 16 of the present specification, metadata indicating one type of device status includes a plurality of description forms (expression in a relative value, expression in an absolute value, etc.). That is, according to Claim 1, plural parameters, such as focus status, zoom status and panning status, for example, are *each* described by any of a plurality of description *forms*.<sup>1/</sup>

In the *McGrath* apparatus, in contrast, there are stored a plurality of metadata each of which corresponds to a respective type of device status, such as focus status, zoom status and panning status, but there is only one *form* in which each type of status data can be stored. *McGrath* fails to teach or suggest that metadata for focus, zoom and panning might *each* include a plurality of description forms, such that one device state would be describable in any of a plurality of different ways, as in the apparatus of Claim 1.

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<sup>1/</sup> It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

At col. 11, lines 29-41, and Fig. 10, *McGrath* describes that there are a plurality of metadata standards and a user can select one of these standards. Applicants note that even with this, *McGrath* still fails to teach or suggest describing *one* type of metadata with a plurality of description forms, and instead stores each type of metadata in only one form. *McGrath* may allow the user to select what form it is that is used (selection of standard), but once the selection is made, the selected standard is the only one used for that type of metadata. The apparatus of Claim 1, in contrast, can accommodate the presence of a given type of metadata in plural forms. This ability is not found in the *McGrath* system, and Applicants do not find anything in that patent that would suggest such an ability.

Moreover, *McGrath* is not believed to teach or even suggest “a determination unit configured to *determine*, for each supplementary information item having a plurality of description forms, *priority for each of the plurality of description forms* in advance [emphases added]”, as recited in Claim 1, as it does not appear that the *McGrath* system ever assigns priorities to various standards, and certainly does not prioritize among the use of different standards at one time (as noted above that patent only contemplates allowing the user to specify which one of plural metadata standards is to be used).

Also, since *McGrath* does not teach a determination unit for pre-assigning priorities to the different forms, it certainly cannot suggest recording a description form (i.e., one of the plurality of description forms) in the order of such priority assigned to each description form, as is also recited in that claim.

For all these reasons, it is believed to Claim 1 is allowable over *McGrath*.

Independent Claim 28 is a method claim corresponding to apparatus Claim 1, and is believed to be allowable for the same reasons as is Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

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